IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 6042 of 1995

Between:

G.Ram Murthy S/o.G.Laxminarayana
R/o.25, Jheera, Secunderabad.

..... PETITIONER

AND

1 The Government of Andhra Pradesh rep.by its Secretary
Industries and Commerce Department Secretariat, Hyderabad
2 The Special Deputy Collector for Land Acquisition (Industries)
Domalguda, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus, declaring that the respondent No.2 i.e., Land Acquisition Officer has no power authority or jurisdiction to pass an award in respect of the petitioner's land admeasuring one acre in Survey No.450 situated in Patancheru village, Sangareddy Taluq, Medak Dist which is sought to be acquired under Sec.4(1) of Land Acquisition Act Dt.17/8/1976 vide GO.Rt.No.833 in view of the lapse of notification as contained in the Section 11(A) of Land Acquisition Act, and pass such other order.

Counsel for the Petitioner: MR.M.RAVINDRA BABU

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

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This Writ Petition is filed, seeking Writ of Mandamus, to declare that the second respondent has no authority or jurisdiction to pass an award in the land acquisition proceedings, in respect of the petitioner's land admeasuring Ac1.00 cents in Sy.No. 450 situated in Patancheru village, erstwhile Sangareddy Taluk in Medak district, pursuant to the notification dated 17-6-1976 under Section 4(1) of the Land Acquisition Act, 1894, issued in G.O.Rt.No. 833.

The first respondent-Government notified the land to an extent of 260 acres under the provisions of the Land Acquisition Act, 1894, and notification to that effect was published under Section 4(1) of the Act. Initially award was passed for the land to an extent of 229 acres on 20-9-1977. But however, the lands in Sy.Nos. 448, 449 and 450 were excluded from the Award, as much as the acquisition proceedings were questioned before this Court in Writ Petition Nos. 762 and 1977 and 772 of 1977. For several years, the Writ Petitions referred above were pending before this Court, and thereafter, the matters were

carried to Supreme Court and ultimately the Special Leave Petitions were dismissed on 29-3-1994. After dismissal of the Special Leave Petitions, when award enquiry was commenced for the lands in Sy.Nos. 448, 449 and 450, the petitioner, who owns an extent of Ac.1.00 cents of land in Sy.No. 450 has filed this Writ Petition and obtained interim orders for stay of all further proceedings, including passing of award by the Land Acquisition Officer. Subsequently, though award was passed for the land covered by Sy.Nos. 448, 449 and 450, but, however, award could not be passed for the land of the petitioner admeasuring about Ac.1.00 cents in view of the interim orders passed by this Court.

It is submitted by the learned Counsel for the petitioner that inasmuch as the notification under Section 4(1) of the Land Acquisition Act, 1894 was issued on 2-9-1976 and declaration was published in the A.P. Gazette on 23-9-1976; in view of the provision under Section 11-A of the Land Acquisition Act, 1894, as the Award was not passed within the stipulated period, the entire acquisition proceedings are lapsed. As such, it is the submission of the learned Counsel for the petitioner that the second respondent cannot pass any award now, in pursuance of the declaration published in the year 1976.

On the other hand, it is submitted by the learned Government Pleader appearing for the respondents that in this case Award could not be passed as much as Writ Petitions were pending, covering the above said survey numbers, before this Court as well as Supreme Court. Further, it is submitted that though petitioner herein was not figured as petitioner in the earlier Writ Petitions, but, as the land covered by Sy. No. 450 was also the subject matter of the earlier Writ Petitions, Award could not be passed. Even after dismissal of the Special Leave Petitions and when award enquiry was commenced, the petitioner herein again approached this Court and obtained interim orders. In view of the same, award could not be passed. Further, it is submitted that inasmuch as urgency clause is invoked and

possession was taken, provision under Section 11-A of the Land Acquisition Act, 1894 cannot apply to declare that proceedings are lapsed.

The contention of the learned Counsel for the petitioner, that the proceedings are lapsed inasmuch as the Award was not passed within the stipulated period, as contemplated under Section 11-A of the Land Acquisition Act, 1894, cannot be accepted in this case. The award was passed for the entire land covered by notification issued on 2-9-1976, but Award could be not passed for the land covered by Sy.Nos. 448, 449 and 450 in view of the interim orders in the pending Writ Petitions, wherein the acquisition was questioned. Though the petitioner, who owns Ac.1.00 cents in Sy.Nos. 450, has not questioned earlier the acquisition proceedings, but, the remaining extent of land in the same survey number was the subject matter of the Writ Petitions. Ultimately, the matters went up to Supreme Court and, the Special Leave Petitions were dismissed on 29-3-1994. Though Award enquiry was commenced for passing of the award for the land covered by Sy.Nso. 448, 449 and 450, but, immediate thereafter, the petitioner again has questioned the same and obtained interim orders. In view of the said interim orders passed by this Court in the present Writ Petition, award could not be passed for the land admeasuring Ac.1.00 cents, owned by the petitioner. Though there is inordinate delay, but the same cannot be attributed to the respondents. Further, in view of the Judgment of the Supreme Court in *Awadh Bihari Yadav Vr. State of Bihar* proceedings cannot be declared as lapsed, as much as possession was taken, by invoking urgency clause. Though the learned Counsel for the petitioner placed reliance on the judgments of this Court in *Chandrabhangiriji Vs. State of Andhra Pradesh,* and, *Hanumanaamma Vs. District Collector, Ananthapur,* but, they have no application to the facts of the case on hand, having regard to the issue involved in the present Case.

For the foregoing reasons, I do not find any valid ground for grant of

relief as prayed for. However, as much as the proceedings are pending for passing of the Award for the last several years, I direct the respondents to pass award in respect of the land of the petitioner, admeasuring Ac.1.00 cents in Sy.No. 450, as expeditiously as possible, preferably within a period of two months from the date of receipt of this order and pay necessary compensation.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

_____ (R.SUBHASH REDDY, J)

10.02.2005

DR/Msnr

To

1 The Secretary, Government of Andhra Pradesh,
Industries and Commerce Department Secretariat, Hyderabad
2 The Special Deputy Collector for Land Acquisition (Industries)
Domalguda, Hyderabad

3 2 CCs to Government Pleader for Revenue, High Court Buildings,

Hyderabad.

4 2 CD copies